

**ASSEMBLY BILL**

**No. 1704**

---

**Introduced by Assembly Member Huffman**

February 15, 2012

---

An act to add Article 13.6 (commencing with Section 25250.70) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1704, as introduced, Huffman. Hazardous waste: coal tar.

(1) Existing law prohibits the management of hazardous waste except in accordance with the hazardous waste control laws. A violation of the hazardous waste control laws is a crime.

This bill would prohibit a person from selling, offering for sale, or offering for promotional purposes in this state a coal tar pavement product, as defined. The bill would also prohibit, after July 1, 2013, a person from applying a coal tar pavement product on driveways, parking areas, airport runways, and playgrounds.

The bill would authorize the Department of Toxic Substances Control to issue a notice of corrective action to a person in violation of the bill and would allow a city or county to adopt an ordinance providing for enforcement of the requirements of the bill.

Since a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature finds and declares all of the  
2 following:
- 3     (a) Contaminated storm water runoff from parking lots, roads,  
4 and other impervious surfaces is a significant contributor to  
5 pollution in lakes, rivers, and marine waters in California.
- 6     (b) Coal tar sealants, which are applied to parking lots,  
7 driveways, airport runways, and playgrounds, are a significant  
8 contributor to storm water pollution, as they contain high levels  
9 of benzopyrene and other toxic chemicals known collectively as  
10 polycyclic aromatic hydrocarbons (PAHs).
- 11    (c) A recent United States Environmental Protection Agency  
12 study found that coal tar sealants create PAH runoff in amounts  
13 up to 1,000 times greater than the alternative asphalt emulsion  
14 sealant.
- 15    (d) Polycyclic aromatic hydrocarbons are of particular concern  
16 because they do not break down easily and although concentrations  
17 of banned chemicals like DDT and polychlorinated biphenyls are  
18 slowly declining in the environment, levels of PAHs are increasing.
- 19    (e) PAHs are carcinogenic and, in sufficient quantities, are a  
20 major threat to human health and the environment. In a recent  
21 study, the United States Geological Survey found that apartments  
22 with parking lots with coal tar-based sealcoat had PAH  
23 concentrations in house dust that were 25 times higher, on average,  
24 than concentrations in house dust from apartments with parking  
25 lots with other surface types.
- 26    (f) About eighty-five million gallons of coal tar-based sealants  
27 are sold in the United States each year and although coal tar  
28 sealants are used most heavily in the eastern part of the country,  
29 the sealant is sold in all fifty states of the United States, including  
30 California.
- 31    (g) Safer alternatives to coal tar sealants exist and are widely  
32 available in California.
- 33    (h) Prohibiting the sale and use of coal tar sealants in California  
34 is an appropriate and cost-effective way to limit pollution and  
35 protect public health.

1 SEC. 2. Article 13.6 (commencing with Section 25250.70) is  
2 added to Chapter 6.5 of Division 20 of the Health and Safety Code,  
3 to read:

4  
5 Article 13.6. Coal Tar Sealant Prohibition  
6

7 25250.70. For purposes of this article “coal tar pavement  
8 product” means a material that contains coal tar that is intended  
9 for use as a pavement sealant.

10 25250.71. (a) A person shall not sell, offer for sale, or offer  
11 for promotional purposes in this state a coal tar pavement product.

12 (b) On and after July 1, 2013, a person shall not apply a coal  
13 tar pavement product on a driveway, parking area, airport runway,  
14 or playground.

15 25250.72. (a) The department may issue a notice of corrective  
16 action pursuant to Section 25187 to a person in violation of this  
17 article, as provided in Article 8 (commencing with Section 25180).

18 (b) A city or county may adopt an ordinance providing for  
19 enforcement of the requirements of this article. A city or county  
20 adopting an ordinance pursuant to this section has jurisdiction  
21 concurrent with the department to enforce this section.

22 SEC. 3. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.